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6 UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 BARBARA STUART ROBINSON,

9 Plaintiff,

10 v.

11 CITY OF SEATTLE,

12 Defendant.  
13

CASE NO. 2:24-cv-01004-RSL

ORDER

14 On July 10, 2024, plaintiff's application to proceed *in forma pauperis* was granted  
15 and her complaint was accepted for filing. Plaintiff alleges that she placed a 911 call to the  
16 Seattle Police Department on June 30, 2024, regarding a public nuisance at the intersection  
17 of 3<sup>rd</sup> Avenue and Pike Street in downtown Seattle. Despite being told that someone would  
18 respond, no officers arrived, rendering passage through the intersection dangerous and  
19 causing plaintiff harm. Plaintiff asserts that the City of Seattle failed to carry out duties  
20 owed under state law and seeks to hold it liable under 42 U.S.C. § 1983.  
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23 Title 42 U.S.C. § 1983 provides a cause of action for the "deprivation of any  
24 rights, privileges, or immunities secured by the Constitution and laws" of the  
25 United States. To state a claim under § 1983, a plaintiff must allege two  
26 essential elements: (1) that a right secured by the Constitution or laws of the  
United States was violated, and (2) that the alleged violation was committed

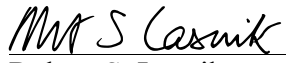
1 by a person acting under the color of State law. *West v. Atkins*, 487 U.S. 42,  
2 48 (1988).

3 *Long v. Cnty. of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006). Plaintiff's claim, as set  
4 forth in her complaint, is based solely on alleged violations of state law. In the absence of a  
5 violation of a right secured by the United States Constitution or other federal law, the  
6 § 1983 claim cannot succeed and is subject to dismissal.  
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9 For all of the foregoing reasons, plaintiff shall, on or before August 16, 2024, file an  
10 amended complaint that alleges that a right secured by the Constitution or laws of the  
11 United States was violated. Violations of state law cannot be vindicated through 42 U.S.C.  
12 § 1983, and the Court does not have original jurisdiction over such claims. The amended  
13 complaint will replace the existing complaint in its entirety. Failure to timely file an  
14 amended complaint that asserts a plausible claim for relief will result in dismissal of this  
15 action.  
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18 The Clerk of Court is directed to place this Order on the Court's calendar for  
19 consideration on Friday, August 16, 2024.  
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22 Dated this 11th day of July, 2024.

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24 Robert S. Lasnik  
25 United States District Judge  
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